

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Bonne St. James,

Plaintiff,

v.

Civil No. 06-1472 (JNE/JJG)
ORDER

New Prague Area Community Center, Inc.,
Jason Witt, Connie Bartelt, Lana Puffer, Bill
Ehrich, Michael Kilpatrick, Steve Kivi,
Christopher Morris, James Morris, Robert
Morris, Susan Morris, and Holy Trinity
Lutheran Church of New Prague,

Defendants.

In a Report and Recommendation dated March 19, 2007, the magistrate judge recommended that Holy Trinity Lutheran Church of New Prague's motion to dismiss for misjoinder be denied. The church objected. *See* D. Minn. LR 72.2(b). The Court has conducted a de novo review of the record. At this time, the church has unequivocally disclaimed all interest in the trademarks at issue in this litigation, a matter that was not clear when the Report and Recommendation issued. Consequently, it appears that the church is not a necessary party. The Court therefore declines to adopt the Report and Recommendation. Instead, the Court grants the church's motion to dismiss for misjoinder. Therefore, IT IS ORDERED THAT:

1. Holy Trinity Lutheran Church of New Prague's motion to dismiss for misjoinder [Docket No. 31] is GRANTED.
2. Holy Trinity Lutheran Church of New Prague is dismissed from this action.

Dated: April 24, 2007

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge